

PATENT
Docket No. 55265US010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Michael R. HARMS et al.) Group Art Unit: 1743
Serial No.: 09/895,001)
Confirmation No.: 3649) Examiner: Brian R. Gordon
Filed: 28 June 2001)
For: SAMPLE PROCESSING DEVICES AND CARRIERS

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement mailed 23 March 2004, Applicants elect, with traverse, Group I (claims 1-86), drawn to a device and method for processing sample materials. Applicants reserve the right to pursue examination of the non-elected claims in continuation or divisional applications.

Applicants respectfully request reconsideration and withdrawal or modification of the restriction requirement. It is respectfully submitted that the inventions as claimed can be readily evaluated in one search without placing undue burden on the Examiner. That is, all the claims are so interrelated that a search of one group of claims will reveal art to the others.

Were restriction to be effected between the claims of Groups I-III, a separate examination of the claims in these 3 groups would require substantial duplication of work on the part of the U.S. Patent and Trademark Office. Even though some additional consideration would be necessary, the scope of analysis of novelty of all the claims of Groups I-III would have to be as rigorous as when only the claims of Group I, for example, were being considered by themselves. Clearly, this duplication of effort would not be warranted where these claims of different categories are so interrelated. Further, Applicants submit that for restriction to be effected between the claims in Groups I-III, it would place an undue burden by requiring payment of 2 separate filing fees for examination of the nonelected claims, as well as the added costs associated with prosecuting 3 applications and maintaining 3 patents.

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Page 2 of 2

The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number if prosecution of this application may be assisted thereby.

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this day of April, 2004, at 10:38 a.m. (Central Time).

Signature: Rachel G. Englund
Name: Rachel Englund-Gibson

26 APRIL 2004
Date

KWR/rbg

Respectfully submitted for

Michael R. HARMS et al.

By

Mueting, Raasch & Gebhardt, P.A.
P.O. Box 581415
Minneapolis, MN 55458-1415
Phone: (612)305-1220
Facsimile: (612)305-1228

By: KW
Kevin W. Raasch
Reg. No. 35,651
Direct Dial (612)305-1218

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Mueting, Raasch & Gebhardt, P.A.

26 APRIL 2004
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By: Kevin W. Raasch
Kevin W. Raasch
Reg. No. 35,651
Direct Dial (612)305-1218

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26 April 2004
Date

Signature: Rachel G. Gebhardt
Name: Rachel G. Gebhardt

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